

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

DUKE CRAIG,	§	
TDCJ-CID #1017283,	§	
Plaintiff,	§	
	§	
v.	§	C.A. NO. C-06-037
	§	
GARY JOHNSON et al.,	§	
Defendants.	§	

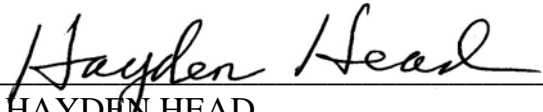
MEMORANDUM OPINION AND ORDER OF DISMISSAL

On February 6, 2006, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 7). While neither party filed any objections, plaintiff filed a Notice to the Court to Correct or Amend Complaint (D.E. 9) in which he asks that this action be dismissed or held in abeyance until the issues raised in his habeas petition are resolved. This Court regards such omission as each party's agreement with and acceptance of the Magistrate Judge's findings of fact and conclusions of law. Having reviewed the pleadings on file, the Court finds no clear error in the Magistrate Judge's Memorandum and Recommendation. *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). This Court adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, plaintiff's action is dismissed without prejudice to plaintiff bringing

his claims in a habeas petition.

ORDERED this 7 day of June, 2006.



HAYDEN HEAD
CHIEF JUDGE